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Written statement* submitted by the International Association against Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Torture in the U.S.A.

The implementation of the Universal Periodic Review has somewhat mitigated the double-standard of human rights exposure and review which has for too long existed in the United Nations, i.e. human rights violations only occur in developing countries, while human rights are respected in the WEO Group countries. This double standard undermines the credibility of the United Nations to the majority of the peoples of the world. The chief beneficiary of this double standard has been the United States of America which mercilessly criticized those countries who allegedly tortured its prisoners but, until the UPR, steadfastly refused to examine its own misconduct.

The Committee Against Torture[1] report on the US is revealing and damning. We are providing further background to the CAT report in order to destroy any vestiges of the UN double-standard.

On December 9, 2014 President Obama released the US Senate Report on Torture[2]. It exposed that the US had systematically engaged in torture since September 22, 2001 and the extraordinary and inhumane lengths to which it had done so. These facts were known to much of the rest of the world whose people were victims of this torture but had been vigorously withheld from the U.S. public. President Obama justified the need to release the report by stating that these acts of torture were "not us," i.e. that this is not what the United States does. He further said, "One of the things that sets us apart from other countries is that when we make mistakes, we admit them."[3] Neither of his statements are accurate. These acts of torture were not "mistakes."

The history of the USA is predicated on violence and torture. Imam Jamil Abdul al-Amin, formerly known as H. Rap Brown, a leader in the Black Power Movement in the 1960s, famously noted, "Violence is as American as cherry pie."

The subduing of the indigenous peoples of the Western hemisphere was done violently[4]. Violence maintained chattel slavery. Enslaved Africans who rebelled or resisted were whipped, beaten, branded, hung, tortured and beheaded among other acts designed to elicit information on co-conspirators and to discourage future acts of resistance.[5] The end of de jure slavery after the Civil War was replaced by the de facto slavery of Jim Crow which was maintained by terror and torture[6]. The "Equal Justice Initiative" has just released a report "Lynching in America: Confronting the Legacy of Racial Terror," which documents 4000 lynchings of Black people throughout the southern United States between 1877 and 1950.

The U.S. is no stranger to waterboarding. They used it in the 1898 takeover of the Philippines. They called it the "Water cure." It was described thusly to a Senate panel:

"A man is thrown down on his back and three or four men sit or stand on his arms and legs and hold him down, and either a gun barrel or a rifle or a carbine barrel or a stick as big as a belaying pin...is simply thrust into his jaws and his jaws are thrust back, and, if possible, a wood log or stone is put under ... his neck, so he can be held firmly... in the case of very old men I have seen their teeth fall out. He is simply held down, and then water is poured into his face, down his throat and nose from a jar, and that is kept up until the man gives some sign of giving in or becoming unconscious, and when he becomes unconscious he is simply rolled aside and he is allowed to come to...Well, I know that in a great many cases, in almost every case, the men have been a little roughly handled; they were rolled aside rudely, so that water was expelled. A man suffers tremendously; there is no doubt about that. His suffering must be that of a man who is drowning, but he cannot drown."

The author further notes: *"Ingenious Yankees employed a variety of other gruesome tortures, including flogging, scorching bound prisoners over open fires, and the "rope cure" (hanging trussed prisoners from the ceiling)."* A Private from Utah writes home, *"No cruelty is too severe for these brainless monkeys, who can appreciate no sense of honor, kindness or justice."*[7]

This century-old racist description of the enemy sounds familiar.

In his famous 1967 speech on "Why I am Against the War," Dr. Martin Luther King compared the United States' military's use of chemical weapons in Vietnam to the "new medicine and new tortures in the concentration camps of Europe."

So for people of African descent in particular, US protestations of torture "not being us" ring hollow. Our direct experience tell us that torture is a routine weapon in an arsenal designed to maintain a privileged status quo.

Excerpts from the United States Senate Select Committee Report on Torture

Interrogation techniques such as slaps and "wallings" (slamming detainees against a wall) were used in combination, frequently, concurrent with sleep deprivation and nudity.

The waterboarding technique was physically harmful, inducing convulsions and vomiting. Abu Zubaydah, for example, became "completely unresponsive, with bubbles rising through his open, full mouth." Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad as evolving into a "series of near drownings."

Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled above their heads. At least five detainees experienced disturbing hallucinations during prolonged sleep deprivation and, in at least two of those cases, the CIA nonetheless continued the sleep deprivation.

"Rectal rehydration" [a euphemism for forced feeding through the rectum of prisoners who protest their inhumane conditions by going on a hunger strike].

Throughout the program, multiple CIA detainees who were subjected to the CIA's enhanced interrogation techniques and extended isolation exhibited psychological and behavioral issues, including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple psychologists identified the lack of human contact experienced by detainees as a cause of psychiatric problems.

Drone "Terror"

Under the cynically misnamed War Against Terror, the U.S. military inflicts daily terror and death upon the civilians of sovereign countries which the US has designated as terrorist hideouts. Through sophistry and outright lies the military disguises the extent of "collateral damage" [ruthless murders] which accompany their "targeted" drone strikes. A 2012 New York Times article explains that *Obama's rhetorical emphasis on avoiding civilian deaths "did not significantly change" the drone program, because Obama's method for counting civilians "**counts all military-age males in a strike zone as combatants**. ...Counterterrorism officials insist this approach is one of simple logic: people in an area of known terrorist activity, or found with a top Qaeda operative, **are probably up to no good**."*[8]

Torture of US-held Political Prisoners

Although the U.S. denies their existence, Black and Puerto Rican political prisoners held by the U.S. are not surprised by the torture documented at Guantanamo. For example, Sekou Odinga, a Black Panther and member of the Black Liberation Army has just been released from prison after serving 34 years for his alleged connection to a 1981 expropriation of a Brinks armored car in Nyack, NY. He was captured after a car chase and shootout with police who assassinated his wounded and helpless comrade Mtayari Shabaka in cold blood. Sekou, also wounded, was taken to a hospital where Joint Terrorist Task Force agents beat him for hours, nearly destroying his pancreas, ripped out his toe nails, broke his ribs, extinguished cigarettes on his body and repeatedly forced his head into a toilet in an unsuccessful attempt to fain information from him.

Police Brutality

The CAT notes the lack of statistics concerning police violence. FBI Director James Comey has recently said, "Demographic data regarding officer-involved shootings is not consistently reported to us through our Uniform Crime Reporting Program. Because reporting is voluntary, our data is incomplete and therefore, in the aggregate, unreliable."[9]

What we know is that United States law enforcement personnel have operated in Black communities as if they had a "license to kill." Clifford Glover (1974, Queens, NY), Eleanor Bumpurs (1985, Bronx, NY), Oscar Grant (1998, Oakland, California), Amadou Diallo (1999, Bronx, NY), Sean Bell (2005, Queens, NY), Jonathan Ferrell (2013, Charlotte, North Carolina), Eric Garner (2014, Staten Island, NY), Michael Brown (2014, Ferguson, Missouri), Dontre Hamilton (Milwaukee, Wisconsin 2014); Tameer Rice (12 years old, 2014, Cleveland, Ohio) are just a few of the many unarmed people murdered by the police. Indictments of these officers rarely happened. Prosecutions were even rarer. Convictions almost non-existent, and the few sentences served were minimal.

Conclusion

We urge the HRC to continue its investigation of torture by the US and to exert as much pressure as possible to force prosecution of those responsible.

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[1] CAT/C/USA/CO/3-5

[2] Senate Select Intelligence Committee. "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program."
http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=7c85429a-ec38-4bb5-968f-289799bf6d0e&SK=D500C4EBC500E1D256BA519211895909

[3] Kaplan, Rebecca "Obama on CIA torture report: 'When we make mistakes, we admit them,'" CBS News, 9 Dec 2014

[4] Brown, Dee, "Bury My Heart at Wounded Knee: An Indian History of the American West,"

[5] Horne, Gerald, Dr., "The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America," NYU Press 2014. Rasmussen, Daniel, "American Uprising: The Untold Story of America's Largest Slave Revolt," Harper Collins 2012.

[6] Blackmon, Douglas, "Slavery by Another Name: The Re-Enslavement of Black Americans from the Cold War to World War II," Anchor Press, 2009.

[7] Bradley, James, "The Imperial Cruise: A Secret History of Empire and War," Back Bay Books, 2009

[8] Becker, Jo & Shane, Scott, "Secret 'Kill List' Proves a Test of Obama's Principles and Will," NYT 29 May 2012

[9] Comey, James, "Hard Truths: Law Enforcement and Race," 12 Feb 2015